

**BEFORE the HEARING EXAMINER for the
CITY of SAMMAMISH**

DECISION

FILE NUMBER: PSUB2015-00014

APPLICANT: Quadrant Homes
ATTN: Matt Perkins
15900 SE Eastgate Way, Suite 300
Bellevue, WA 98008

TYPE OF CASE: Preliminary subdivision (*Inglewood Landing*)

STAFF RECOMMENDATION: Approve subject to conditions

EXAMINER DECISION: GRANT subject to conditions

DATE OF DECISION: November 1, 2016

INTRODUCTION ¹

Quadrant Homes (Quadrant) seeks preliminary approval of *Inglewood Landing*, a 21-lot single-family residential subdivision of a 5.26 acre site, owned by Quadrant, which is zoned R-6.

Quadrant filed a Base Land Use Application on January 22, 2016. (Exhibits 1; 2 ²) The Sammamish Department of Community Development (the Department) deemed the application to be complete when filed. (Exhibit 3)

The subject property is located on the east side of 218th Avenue SE opposite SE 5th Place.

The Sammamish Hearing Examiner (Examiner) viewed the subject property on October 25, 2016.

The Examiner held an open record hearing on October 25, 2016. The Department gave notice of the hearing as required by the Sammamish Municipal Code (SMC). (Exhibit 21)

Subsection 20.05.100(1) SMC requires that decisions on preliminary subdivisions be issued within 120 net review days after the application is found to be complete. The open record hearing was most likely held

¹ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.
² Exhibit citations are provided for the reader's benefit and indicate: 1) The source of a quote or specific fact; and/or 2) The major document(s) upon which a stated fact is based. While the Examiner considers all relevant documents in the record, typically only major documents are cited. The Examiner's Decision is based upon all documents in the record.

substantially after the 120th net review day. (Testimony) The SMC provides two potential remedies for an untimely decision: A time extension mutually agreed upon by the City and the applicant [SMC 20.05.100(2)] or written notice from the Department explaining why the deadline was not met [SMC 20.05.100(4)]. Quadrant chose to extend the deadline. (Testimony)

The following exhibits were entered into the hearing record during the hearing:

- Exhibit 1: Departmental Staff Report
- Exhibits 2 – 20: As enumerated in Exhibit 1
- Exhibit 21: Notice of Public Hearing
- Exhibit 22: Letter, Harry and Claradell Shedd to Examiner, October 16, 2016
- Exhibit 23: Letter, Harry and Claradell Shedd to Concerned Citizens, May 25, 2016
- Exhibit 24: Letter, Harry and Claradell Shedd to Concerned Citizens, May 15, 2016
- Exhibit 25: Letter, Harry and Claradell Shedd to Sammamish Neighbor, May 13, 2016
- Exhibit 25.1: Interlocal Agreement for Landmark Services between King County and the City of Sammamish, April 2, 2008
- Exhibit 25.2: Notice of Application for a Subdivision and SEPA Review
- Exhibit 25.3: Environmental Checklist for *Inglewood Landing*
- Exhibit 25.4: The Eddy Property, a report by BOLA Architecture + Planning, December 14, 2015
- Exhibit 25.5: The Eddy House: Evaluation of Historic and Architectural Significance, by Sammamish Heritage Society, March 2, 2016
- Exhibit 25.6: Parcel acquisition mapped data
- Exhibit 25.7: Letter, Ella Moore, President Sammamish Heritage Society to Jeffrey Thomas, June 19, 2015
- Exhibit 25.8: Issaquah Family Album, an article about the Louie Family, Issaquah Press, September, 1990
- Exhibit 25.9: Genealogy summaries, Leona Elizabeth Forgue and George Edwin Eddy
- Exhibit 25.10: Genealogy summary, Dwenar Ellen Louie
- Exhibit 25.11: Letter, Ellie Dorman Brauer to Sammamish Heritage Society, February 11, 2016
- Exhibit 25.12: Historic Property Evaluation Map by Sammamish Heritage Society
- Exhibit 25.13: Potential eligible landmark properties in Sammamish, prepared by Sammamish Heritage Society
- Exhibit 25.14: Alternative access configuration, prepared for Sammamish Heritage Society, April 18, 2016
- Exhibit 26: Genealogy summaries, Johnny Louie, Mary Whullah Graham, Joseph John Forgue Sr.
- Exhibit 27: Web page prints: First art installation at Lake Sammamish State Park to honor tribal elder, September 18, 2016; Marie Louie Paddle Has Arrived at Tibbetts Beach (undated)
- Exhibit 28: Letter, Harry and Claradell Shedd to Melonie Anderson, City Clerk, October 18, 2016

Exhibit 29: E-mail, Hearing Examiner to Mr. and Mrs. Shedd, October 15, 2016
Exhibit 30: E-mail, Sarah Asher to Lindsey Ozbolt, Assoc. Planner, October 19, 2016
Exhibit 31: Cultural Resources Assessment for the Inglewood Landing Project, Technical Memo 1602I-1, by Cultural Resources Consultants, May 17, 2016

The action taken herein and the requirements, limitations and/or conditions imposed by this decision are, to the best of the Examiner's knowledge or belief, only such as are lawful and within the authority of the Examiner to take pursuant to applicable law and policy.

FINDINGS OF FACT

1. Quadrant proposes to subdivide the subject property into 21 lots for single-family residential development. (Exhibit 13) The subject property contains three single-family residences and a number of accessory buildings. (Exhibit 16) One of the residences, the Eddy House, is potentially eligible for landmark designation under Chapter 21.10 SMC, Protection and Preservation of Landmarks. (Exhibit 31 *et al.*) Quadrant proposes to demolish or remove all of the existing structures on the subject property, including the Eddy House. (Exhibit 5, p. 11, § 9.B) Harry and Claradell Shedd (the Shedds) oppose demolition of the Eddy House. (Exhibits 22 – 25; and testimony) Alternatives to demolition of the Eddy House necessarily involve consideration of intersection spacing and intersection sight distance since the current plat configuration places the subdivision street where the Eddy House is located.

The record discloses no other issues of concern. Therefore, this Decision will focus on those two issues: Historic preservation concerns and location of the street that will serve the proposed lots.

2. The subject property consists of three parcels which together form a more or less rectangular development site. The north third of the west half of the site is Tax Account Parcel 1240700094 (Parcel 0094); it was acquired by Quadrant in August, 2015, and contains the Eddy House. The south two-thirds of the west half half of the site is Tax Account Parcel 1240700098 (Parcel 0098); it was acquired by Quadrant in June, 2015, and contains a single-family residence and several accessory structures. The east half of the site is Tax Account Parcel 1240700095 (Parcel 0095); it was acquired by Quadrant in June, 2015, and contains a modest residence. (Exhibits 13, Sheet EC-01; 16; 25.6; 31, pp. 37 – 39, Figures 14 - 17)

Parcels 0094 and 0098 each have a driveway directly onto 218th Avenue SE. Parcel 0095 is accessed via an easement from SE 4th Street which enters the parcel at its northeast corner. (Exhibit 16)

3. The subject property has approximately 400 feet of frontage on the east side of 218th Avenue SE. The property exhibits an irregular downward slope from northwest to southeast. The steepest slopes are along the east edge of the property where a relatively shallow ravine carries a seasonal stream from

north to south through the property. The subject property contains approximately 300 trees, most of which are located on the east half of the property. (Exhibits 16; 19)

The previously mentioned stream is the only environmentally critical area on the subject property. The regulatory buffer for a wetland located off-site to the south of the subject property intrudes into the site. More than one acre of the subject property is proposed to be set aside as critical areas protection tracts to preserve the stream corridor and wetland buffer. (Exhibits 13, Sheets CV-01 and BR-2; 20, Figure 6)

4. 218th Avenue SE is a designated collector arterial. (Exhibit 18, p. 10) The spacing (centerline-to-centerline) between intersections along a collector arterial “should be” 200 feet or more. [Interim Public Works Standards (PWS), § PWS.15.160.C]

Two streets currently intersect 218th Avenue SE between SE 4th and SE 8th Streets, both forming “T” intersections on the west side of 218th: SE 4th Place, located 135 feet south of SE 4th, and SE 5th Place, a private street located about 330 feet south of SE 4th. (Exhibit 18, Attachment C) The subject property’s frontage on 218th Avenue SE begins about 265 feet south of the SE 4th Street centerline and ends about 170 feet south of the SE 5th Place centerline. (Exhibit 13, Sheet CV-01)

Since the centerline separation between SE 4th and SE 5th Places is less than 400 feet (it’s about 330 feet), a new intersection anywhere between those two existing intersections would not meet the 200 foot PWS intersection separation standard (because it would have to be less than 200 feet from at least one of the existing intersections).

5. New intersections must meet entering sight distance (ESD) and stopping sight distance (SSD) requirements. Both ESD and SSD are based on the design speed of the street. The design speed of 218th Avenue SE south of SE 4th Street is 30 mph. (Exhibit 18, p. 9) Based upon a 30 mph design speed, the City standard for ESD is 355 feet and the City standard for SSD is 200 feet.³ [PWS.15.050, Tables III and II, respectively] “[T]he City [E]ngineer may authorize a reduction in the ESD based on factors mitigating the hazard.” [PWS.15.050, Table III, Footnote 4] The AASHTO⁴ ESD standard for a 30 mph design speed is 335 feet. (Exhibit 18, p. 9)
6. Sight distance along this segment of 218th Avenue SE is extremely limited because of two crest vertical curves in the street between SE 4th and 8th Streets. The location along the subject property’s frontage on 218th Avenue SE providing the best compliance with ESD and SSD standards is about 130 feet south of the north property line – a location that would result in the Eddy House being right in the middle of the new street. (Exhibit 25.14; and testimony) At that location, ESD looking north would exceed 415 feet while ESD looking to the south would be about 345 feet; SSD would exceed

³ The ESD standard allows the driver of a vehicle entering a street to see approaching vehicles far enough away to be able to safely enter or cross the lane of traffic without on-coming traffic having to stop. The SSD standard allows a driver of a vehicle to be able to safely stop after seeing an object in the street ahead of him/her.

⁴ American Association of State Highway Transportation Officials.

200 feet both from the north and the south. ESD would be worse at any other location along the property's frontage, especially opposite SE 5th Place. (Testimony)

7. The subject property is zoned R-6, residential development at a maximum density of six (6) dwelling units per acre. Properties to the north, west, and south are likewise zoned R-6, while properties to the east are zoned R-1 (residential with a maximum density of one dwelling unit per acre). (Testimony; confirmed by official notice of the City's zoning map)

The maximum permissible lot yield under the subject property's R-6 zoning, calculated in accordance with procedures spelled out in the SMC, is 21 (20.88 rounded up). (Exhibit 6)

8. Quadrant proposes to subdivide approximately the western two-thirds of the subject property into 21 lots for single-family residential development.⁵ The lots will be served by a 500 foot long public cul-de-sac whose alignment necessitates removal of the Eddy House; all of the other buildings on the subject property will also be removed. Three short shared driveway tracts (Tracts A, B, and G) will provide access to a total of six of the proposed lots. A 16,586 square foot (SF) tract (Tract C) will contain a buried stormwater detention vault, above which will be a developed recreation area. A 50,911 SF tract (Tract D) will protect the stream corridor and a 4,796 SF tract (Tract E) will protect the northern portion of the buffer for the off-site wetland to the south. Tract F (5,172 SF) in the northeast corner of the site will be preserved as open space. The proposed average lot size is 6,142 SF. (Exhibit 13)
9. All proposed lots, critical areas tracts, and open space tracts meet applicable SMC requirements. (Exhibit 1)
10. The record contains evidence that appropriate provisions have been made for open space (Exhibits 1; 13); drainage (Exhibits 1; 13, Sheet UT-01); streets and roads (Exhibits 1; 13; 15); potable water supply (Exhibits 1; 11; 12; 13, Sheet UT-01); sanitary wastes (Exhibits 1; 11; 12; 13, Sheet UT-01); parks and recreation (Exhibits 1; 13, Sheet L1.01); playgrounds (Exhibits 1; 13, Sheet L1.01); schools and schoolgrounds (Exhibit 1); and safe walking conditions for children who walk to school (Exhibits 1; 9; 13, Sheet SP-01⁶). The plat design does not necessitate alleys or other public ways. (Exhibit 13) The record contains no request for transit stops.
11. Sammamish first enacted tree retention/preservation regulations in or around 2005. [Ordinance No. O2005-175] Those regulations were contained in former SMC 21A.35.210 - .240. In 2014 the City enacted emergency, interim revisions to those code sections. The interim regulations were in effect

⁵ The configuration of Proposed Lots 4 and 5 was changed during the review process (their orientation was rotated 90 degrees) in response to a concern voiced by the abutting neighbors to the north. The current orientation is intended to provide a greater building separation from the common boundary by having rear yards rather than a side yard abut the common property line. (Testimony; cf. Exhibit 21, reverse side, with Exhibit 13)

⁶ Several of the sheets in Exhibit 13 depict a 4-foot wide hardscape pedestrian path between the north end of the frontage sidewalk and SE 4th Street. Quadrant concurs with the Department that the path will be five feet wide, not four feet wide. (Testimony)

from October 14, 2014 to October 14, 2015. [Ordinance Nos. O2014-375 and O2015-390] Those interim regulations were repealed and replaced by Chapter 21A.37 SMC, Development Standards – Trees, effective October 14, 2015. [Ordinance No. O2015-395]

The subject application is vested to the interim tree regulations. The proposed tree retention plan exceeds the retention requirements of the interim regulations. Among the trees to be retained are a row near the west end of the common boundary with the property to the north, preservation of which is supported by the abutting owners. (Exhibits 1; 13, Sheet GP-01; 19; and testimony)

12. The Eddy House is an example of vernacular design in the “Gable Front and Wing” configuration. It is a one-and-a-half story house built in or around 1917; it was restored after a 1921 fire. The house contains 2,240 SF. It was built as part of the Eddy farmstead in what was then known as the Inglewood Precinct. Members of the Eddy family resided in the house until around 1955. There is some evidence in the record that one or more Native Americans (Dwenar Ellen Louie Forgue and Leona Eddy) may have lived in the Eddy House at different time periods. That evidence also suggests that tribal gatherings were held on the property during those periods. (Exhibits 25.4; 25.5; 25.8; 25.9; 25.10)

In the Spring of 2016 a person removed the windows and doors from the Eddy House. When questioned by a neighbor, the person said that Quadrant had hired him to remove them. Quadrant testified that it did not hire anyone to remove the windows or doors. The City issued a Stop Work order, but later rescinded the violation when it determined that the work had not been authorized by Quadrant. (Exhibit 25; and testimony)

13. On April 2, 2008, the City entered into an Interlocal Agreement (ILA) with King County relating to historic preservation. The ILA provided that King County “shall provide landmark designation and protection services” for the City. (Exhibit 25.1, § 1) For its part, the ILA required the City to adopt a historic preservation ordinance. (Exhibit 25.1, § 2.A) The ILA required that the City’s historic preservation ordinance had to include a requirement that the City would refer applications which might affect historic items to the King County Historic Preservation Officer (KCHPO) “for review and comment.” (Exhibit 25.1, § 2.A(4))
14. On December 16, 2008, the City adopted Ordinance O2008-240 to implement the ILA. ⁷ That ordinance created Chapter 21.10 SMC, Protection and Preservation of Landmarks. ⁸ Chapter 21.10 SMC: empowers the King County Landmarks Commission (Commission) to serve the same role for the City [SMC 21.10.030]; establishes designation criteria for historic resources in the City [SMC 21.10.040]; establishes procedures to designate landmarks [SMC 21.10.050 - .100]; allows special

⁷ Official notice of date of adoption.

⁸ Subsection 21.10.020(16) SMC defines a “landmark” as “an historic resource designated as a landmark pursuant to SMC 21.10.060.”

tax valuation for designated landmarks [SMC 21.10.110]; and establishes a review process for applications “located on or adjacent to a City of Sammamish historic resource”⁹ [SMC 21.10.120]

The landmark designation process allows “[a]ny person person, including the historic preservation officer and any member of the [C]ommission, [to] nominate an historic resource for designation as a landmark or community landmark.” [SMC 21.10.050(1)] Nominations are forwarded to the KCHPO who, after collecting information and verifying the application’s compliance with nomination criteria, presents the nomination to the Commission which holds a public hearing before deciding whether or not to designate the property as a landmark. [SMC 21.10.050(3) and .060]

The SMC 21.10.120 review process requires the City to refer to the KCHPO any development application “located on or adjacent to a City of Sammamish historic resource” and provides that the City will make no decision on any such application until after it has received the KCHPO’s comments. For “known archaeological sites” the KCHPO may recommend “that a professional archaeological survey be conducted” before permit issuance. [SMC 21.10.120(1)(b)]

15. In 2015 the Sammamish Heritage Society (SHS) received a grant to perform “an historic resource survey in the city”. The survey was to consider properties containing buildings “constructed in 1941 or earlier.” SHS hoped to complete the survey in early 2016. (Exhibit 25.7, ¶ 1) The Eddy House is one of the properties being surveyed. (Exhibit 25.13, p. 2, Row 7) The survey is now expected to be completed in November, 2016. (Exhibit 25, ¶ 4)
16. The Department sent information about the Eddy house to the KCHPO prior to March 4, 2015. On March 4, 2015, a Preservation Planner (Sundberg) in the KCHPO’s office e-mailed the Department “that if the house is intact, it is probably eligible for designation, given the paucity of early buildings in the city.” (Exhibit 7, unnumbered p. 1) On March 27, 2015, the “Special Sammamish landmark commissioner” e-mailed the Department that the Eddy House was “on our historic property inventory”. (Exhibit 7, unnumbered p. 3) On July 1, 2015, the KCHPO’s Preservation Architect (Scott) e-mailed Quadrant’s engineering firm that the Eddy House could be moved to another site, but that do to so would require removing the “wing” portion first. (Exhibit 7, unnumbered p. 4) On August 20, 2015, Sundberg e-mailed the Department that the Eddy House “appears to be one of few historic properties remaining in the city and looks relatively intact It is probably eligible for landmark designation.” (Exhibit 7, unnumbered p. 7) In that e-mail Sundberg wondered if

the City is requiring [Quadrant] to 1) demonstrate why the building can’t be preserved by either adjusting the plat or moving it to a platted lot, and 2) offer the building for moving, with a contribution of the fees for demolition and disposal to defray relocation costs.

⁹ Subsection 21.10.020(12) SMC defines a “historic resource” as “a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.”

(Exhibit 7, unnumbered p. 7, emphasis added) On October 28, 2015, Sundberg again e-mailed the Department:

As I suggested in earlier discussion, the best alternative is to require preservation in situ. [¹⁰] Barring that, in cases like this [KCHPO has] required the property owner to advertise the building for relocation to another parcel, with a donation of the cost of demolition and disposal, along with documentation.

In this case the documentation has been completed (or nearly so), and the likelihood for a successful move seems low. Given our own failures over the past several years to preserve buildings by relocation, we're now thinking that a donation to a preservation fund would make a good deal more sense."

(Exhibit 7, unnumbered p. 15, emphasis added)

17. Quadrant commissioned BOLA Architecture + Planning (BOLA) to prepare a report "to preserve the history of the Eddy family property through documentation." (Exhibit 25.4, p. 1, § 1, Background ¶ 4) BOLA issued a draft report in August, 2015, and the final report (the BOLA Report) on December 14, 2015. (Exhibit 25.4, p. 1, § 1, Research ¶ 1) The BOLA Report provides property data, historical context, and architectural description of the Eddy House. After 13 pages of descriptive text, the BOLA Report concludes: "Essential features of the house remain present to recall an early 20th century rural dwelling. However, as a whole, it does not appear that the present property is sufficient to represent the history of the Eddy family." (Exhibit 25.4, p. 14, § IV, Comments on Existing Conditions and Integrity ¶ 1)
18. On March 2, 2016, SHS prepared an evaluation of the Eddy House for the City. "SHS believes that the house is significant as a rare surviving example of a relatively intact early 20th century vernacular house type on the [Sammamish] Plateau." (Exhibit 25.5, p. 1, § I, ¶ 1) SHS believes that the Eddy House is eligible for designation as a landmark under either SMC 21.10.040(1)(c) ¹¹ "because it is a well-preserved and rare surviving example of an early 20th century vernacular house on the Plateau" and/or SMC 21.10.040(1)(d) because of the possibility of Native American use of the house and its grounds. (Exhibit 25.5, p. 2, § II, ¶ 1)
19. On May 17, 2016, Cultural Resource Consultants (CRC) submitted a "cultural resources assessment" of the *Inglewood Landing* site, focusing on the Eddy House. CRC found no evidence of archaeological sites on the property. CRC opined that "the Eddy House may be potentially eligible as a City of Sammamish Landmark." (Exhibit 31, Cover Memo) The CRC report recommends steps be taken should archaeological resources or human remains be discovered during site development and provides a formal protocol to be followed in that event. (Exhibit 31, p. 22 and Attachment B)

¹⁰ "In situ" means "in place."

¹¹ SHS has incorrect citations in its report: It has left out the subsection (1) designator.

20. Sammamish's State Environmental Policy Act (SEPA) Responsible Official issued a Mitigated Determination of Nonsignificance (MDNS) for *Inglewood Landing* on June 6, 2016. (Exhibit 8) The MDNS was not appealed. (Exhibit 1, p. 18) The MDNS contains six mitigation measures, all related to the Eddy House. Those mitigation measures became Recommended Condition A.7 in the Department's Staff Report and are quoted below in their Condition A.7 format.
- a. Prior to Final Plat, the Proponent shall document the Eddy House, and provide details of house to the City of Sammamish and the King County Historic Preservation Office. Documentation shall include:
 - i. High resolution digital photographic documentation of the exterior and architectural details of the building, along with some photographs of the interior and site, to provide context;
 - ii. Sketched floor plans of the house; and
 - iii. A written history of previous owners of the Eddy House, its uses, and a history of major changes to the Eddy House and other structures on the property.
 - b. The Proponent shall advertise the availability of the Eddy House for relocation for 60 days ("Advertisement Period") from the date of preliminary plat approval, or until the date site clearing and grading commences, whichever is longer. Advertisement shall occur once a week, through the following means:
 - i. King County Historic Preservation Program website;
 - ii. Publication in the Seattle Times, Sammamish Review, and Daily Journal of Commerce;
 - iii. Association of King County Historical Organizations newsletter; and
 - iv. Washington Trust for Historic Preservation website.
 - c. The Proponent shall not demolish the Eddy House and shall allow for the relocation of the Eddy House for a period of not less than 90 days after the completion of the "Advertisement Period" in item "2." above, or after an acceptable offer to relocate the Eddy House is received, whichever is first. Nothing in this mitigation item shall bar the proponent from the start of site clearing and grading that does not affect the Eddy House.
 - d. If a receiving site is found to which to relocate the Eddy house, Quadrant Homes shall contribute up to \$50,000 in mitigation for the cost of moving the structure. Quadrant shall not be responsible for land acquisition of a site to relocate the Eddy House to, but

shall contribute up to \$50,000 towards the actual costs of permitting relocation and the physical transportation of the building.

- e. If no receiving site is found to which to relocate the Eddy house, Quadrant Homes shall contribute \$50,000 toward the historic preservation activities at the City. Payment shall occur at the time of demolition permit issuance by the City of Sammamish.
- f. The Proponent shall provide permanent educational signage within the future public right of way dedicated by this subdivision along the frontage on 218th Avenue SE, in a form approved by the City, providing information about the Eddy family history and the Eddy House.

(Exhibit 1, pp. 19 and 20, Recommended Condition A.7)

- 21. Harry and Claradell Shedd (the Shedd), members of SHS but participating in this proceeding on their own behalf, want Quadrant to redesign *Inglewood Landing* to allow the Eddy House to be preserved *in situ*. An architect retained by the Shedd prepared a revised plat sketch showing the cul-de-sac entering the subject property just south of the present SE 5th Place intersection. (Exhibit 25.14) If retention *in situ* is not possible, they want Quadrant to pay significantly more than the \$50,000 required by the MDNS to relocate the Eddy House. They believe it would cost approximately \$20,000 just to replace the windows and doors that were removed; they think that total relocation costs would be three to four times the \$50,000 SEPA mitigation measure. They state that in 2015 the City of Issaquah charged a developer \$250,000 for illegally attempting to remove a historically significant house. The Shedd also allege that the City has failed to live up to the terms of the ILA. (Exhibit 22; see also Exhibits 23; 24; 25)
- 22. The Eddy House has neither been nominated nor designated as an historic landmark.
- 23. A resident (Asher) who lives on 218th Avenue SE opposite the subject property has expressed concern regarding traffic and pedestrian safety along that street given the absence of any sidewalks in the area. (Exhibit 30)
- 24. The Department's Staff Report (Exhibit 1) provides a detailed exposition of facts related to all criteria for preliminary subdivision approval. Quadrant requested seven changes/corrections to the Staff Report:
 - A. Page 8, § II.N. The statement "Proposed Tract G" in the last sentence should read "Proposed Tract D". The Department concurred with this correction. (Testimony)
 - B. Page 9, § II.U. The statement "with two existing residences" in the first sentence should read "with three existing residences". The Department concurred with this correction. (Testimony)

HEARING EXAMINER DECISION

RE: PSUB2015-00014 (*Inglewood Landing*)

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- C. Page 12, § III.A.7, Second Bullet Point. The date “January 2, 2016” should read “October 21, 2014”. The Department concurred with this correction. (Testimony)
- D. Page 15, § III.B.1, Staff Analysis. The phrase “Inglewood Landing is not required” should read “Inglewood Landing is required”. The Department concurred with this correction. (Testimony)
- E. Page 16, § III.B.3, First Staff Analysis paragraph. The phrase “Inglewood Landing is not required” should read “Inglewood Landing is required”. The Department concurred with this correction. (Testimony)
- F. Page 16, § III.B.3, Second Staff Analysis paragraph. The phrase “Inglewood Landing is not required” should read “Inglewood Landing is required”. The Department concurred with this correction. (Testimony)
- G. Page 21, Recommended Condition A.14. The sentence “Please see lots 4, 5, 11, 12, 18 and 19” should read “Please see lots 4, 5, 10, 11, 12, 18 and 19”. The Department concurred with this correction. (Testimony)
- H. Page 22, Recommended Condition B.8. The phrase “To provide safe access to schools, a 5-foot wide paved sidewalk separated from the travel lane by a minimum 5-foot wide planter strip shall be provided” should read “To provide safe access to schools, a 5-foot wide hardscape pedestrian path separated from the travel lane by either a minimum 5-foot wide planter strip where existing right-of-way allows or by extruded curb shall be provided”. The Department concurred with this revision. (Testimony)

The record contains no other challenge to the content of the Staff Report except as embodied within the Shedd's concerns/objections about treatment of the Eddy House. Therefore, the Findings and Conclusions/Analysis within the Staff Report are incorporated herein as if set forth in full except as noted in paragraphs A –H above and except as pertains to the Eddy House.

- 25. The Department recommends approval of *Inglewood Landing* subject to conditions. (Exhibit 1, pp. 18 - 25)
- 26. Quadrant has no objection to any of the recommended conditions except as set forth in Findings of Fact 24.G and .H, above. (Testimony)
- 27. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

LEGAL FRAMEWORK¹²

The Examiner is legally required to decide this case within the framework created by the following principles:

Authority

A preliminary subdivision is a Type 3 land use application. [SMC 20.05.020, Exhibit A] A Type 3 land use application requires an open record hearing before the Examiner. The Examiner makes a final decision on the application which is subject to the right of reconsideration and appeal to Superior Court. [SMC 20.05.020, 20.10.240, 20.10.250, and 20.10.260]

The Examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications, and restrictions as the Examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including Chapter 43.21C RCW and the regulations, policies, objectives, and goals of the interim comprehensive plan or neighborhood plans, the development code, the subdivision code, and other official laws, policies and objectives of the City of Sammamish.

[SMC 20.10.070(2)]

Review Criteria

Section 20.10.200 SMC sets forth requirements applicable to all Examiner Decisions:

When the examiner renders a decision ..., he or she shall make and enter findings of fact and conclusions from the record that support the decision, said findings and conclusions shall set forth and demonstrate the manner in which the decision ... is consistent with, carries out, and helps implement applicable state laws and regulations and the regulations, policies, objectives, and goals of the interim comprehensive plan, the development code, and other official laws, policies, and objectives of the City of Sammamish, and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public.

Additional review criteria for preliminary subdivisions are set forth at SMC 20.10.220:

When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

(1) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other

¹² Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

planning features that assure safe walking conditions for students who only walk to and from school; and

(2) The public use and interest will be served by the platting of such subdivision and dedication.

Vested Rights

Sammamish has enacted a vested rights provision.

Applications for Type 1, 2, 3 and 4 land use decisions, except those that seek variance from or exception to land use regulations and substantive and procedural SEPA decisions shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all the requirements of this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

[SMC 20.05.070(1)] Therefore, this application is vested to the development regulations as they existed on January 22, 2015.

Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof. [City of Sammamish Hearing Examiner Rule of Procedure 316(a)]

Scope of Consideration

The Examiner has considered: all of the evidence and testimony; applicable adopted laws, ordinances, plans, and policies; and the pleadings, positions, and arguments of the parties of record.

CONCLUSIONS OF LAW

1. Extensive, detailed conclusions regarding conformance with the criteria for approval are unnecessary since *Inglewood Landing* is, but for the Eddy House concerns, an uncontested case. The Examiner will address the Eddy House concerns in detail before providing summary Conclusions of Law regarding other aspects of the proposal.
2. The assertion that the City has failed to live up to the ILA is simply not corroborated by the evidence in this record. The ILA required the City to enact an historic preservation ordinance to implement the ILA. The City's adoption of Chapter 21.10 SMC later in 2008 fulfilled that obligation.

The ILA requires the City to refer to the KCHPO any application that might affect "historic buildings." (Exhibit 25.1, § 2.A(4)) Chapter 21.10 SMC contains the same requirement. The evidence in this record shows that sometime before March 4, 2015 (less than a month and a half after

the application was initially filed) the City did refer the application to the KCHPO. And the evidence demonstrates active communication thereafter between the Department and the KCHPO about the application.

Nothing in the ILA requires any particular outcome of KCHPO's review of an application.

3. Nothing in Chapter 21.10 SMC requires preservation *in situ* of an historic building that may be eligible for designation as a landmark but which has not gone through the nomination process and been designated.¹³ What is required in such cases under SMC 21.10.120 is referral to KCHPO and consideration of the recommendation of the KCHPO before City action on a development proposal that would affect the historic resource.

The evidence in this record clearly shows that the Department has done exactly that. It sent the application materials to KCHPO prior to early March, 2015, and thereafter had a series of e-mail communications with Sundberg. While Sundberg said that preservation *in situ* was the best option, he provided an alternative which included "a donation of the cost of demolition and disposal, along with documentation." (Exhibit 7, unnumbered p. 15)

4. Nothing in Chapter 21.10 SMC requires a developer to pay all costs associated with relocating an historic structure. KCHPO has not recommended that Quadrant be required to pay ("donate") the entire cost to relocate the Eddy House. In more than one of its e-mails it used the phrase quoted in the preceding paragraph. The concept being conveyed is that a developer would be required to pay an amount equal to what it would otherwise cost the developer to demolish and dispose of the house. The Examiner concludes that the Department followed KCHPO's recommendations when crafting the SEPA mitigation measure.

The Shedd's reference to the amount an Issaquah developer was required to pay is unavailing. The evidence in this case about that situation, limited as it is, indicates that the developer in Issaquah tried to demolish an historic structure without permission and was caught. One can reasonably conclude that the fee assessed was at least in part a punishment for that action. Even if further facts were to show that not to be the case, what Issaquah requires under its regulations does not dictate what Sammamish has to do under its regulations.

5. SEPA threshold determinations have a specified appeal period. Once that appeal period runs, the threshold determination cannot be challenged. The appeal period for the *Inglewood Landing* SEPA threshold determination expired long ago without any appeals having been filed. The mitigation measures within that MDNS cannot now be altered.

¹³ In fact, although not applicable here since the Eddy House is not a designated landmark, nothing in Chapter 21.10 SMC mandates preservation *in situ* of all designated landmarks. While it is true that alteration of designated landmarks is severely restricted, the code provides a process by which a property owner may seek permission to demolish or move a designated landmark. [SMC 21.10.070(3)(a)(iii) and (c)]

6. If the Examiner has to make a choice between public safety and preservation of a potentially landmark house, he will normally come down on the side of public safety. The evidence in this record indicates that the best location from the perspective of public safety for an access street to serve *Inglewood Landing* is right where Quadrant has proposed it be located. Unfortunately, that location requires removal of the Eddy House.¹⁴

The Shedd's' alternative (Exhibit 25.14) would be unsafe from two perspectives. First, the evidence shows that sight distance at that location would be worse than at the proposed location, thus reducing public safety.

Second, left turning movements into SE 5th Place and the *Inglewood Landing* cul-de-sac would conflict in that location. A northbound left turning vehicle would block southbound left turning vehicles. (The current layout does not create that conflict because the northbound left turns into SE 5th Place occur well to the south of the southbound left turns into the *Inglewood Landing* cul-de-sac.)

7. Over a year and a half has passed since the *Inglewood Landing* application was filed and public notice of that application was issued. During all that time, no one has nominated the Eddy House for landmark status. Thus, the Eddy House is not a designated landmark. The heightened scrutiny that attaches to a designated landmark does not apply to the Eddy House.
8. In sum, the Eddy House cannot be retained in its present location if a safe point of access is to be provided for *Inglewood Landing*. Quadrant has provided documentation of the Eddy House. It's up to the Department, with recommendation from KCHPO, to determine if the current documentation is sufficient; if it's not, the Department can require more. The Examiner is not involved in that decision process. And finally, the mitigation required under SEPA for removal of the Eddy House cannot now be challenged.
9. Section 20.10.200 SMC requires the Examiner to consider a number of items, including "the interim comprehensive plan". The Examiner's ability to use the comprehensive plan in project review is constrained by state law which states that the comprehensive plan is applicable only where specific development regulations have not been adopted: "The review of a proposed project's consistency with applicable development regulations or, in the absence of applicable regulations the adopted comprehensive plan" [RCW 36.70B.030(1)]

The state Supreme Court addressed that provision in *Citizens v. Mount Vernon* [133 Wn.2d 861, 947 P.2d 1208 (1997), *reconsideration denied*] in which it ruled that "[RCW 36.70B.030(1)] suggests ... a comprehensive plan can be used to make a specific land use decision. Our cases hold otherwise." [at 873]

Since a comprehensive plan is a guide and not a document designed for making specific land use decisions, conflicts surrounding the appropriate use are resolved in

¹⁴ This Conclusion of Law would be no different if the windows and doors had not been removed from the Eddy House.

favor of the more specific regulations, usually zoning regulations. A specific zoning ordinance will prevail over an inconsistent comprehensive plan. If a comprehensive plan prohibits a particular use but the zoning code permits it, the use would be permitted. These rules require that conflicts between a general comprehensive plan and a specific zoning code be resolved in the zoning code's favor.

[*Mount Vernon* at 873-74, citations omitted]

10. Based upon all the evidence in the record, the Examiner concludes that *Inglewood Landing* meets the considerations within SMC 20.10.200. All evidence demonstrates compliance with Comprehensive Plan policies, to the extent they can be considered, and zoning code, subdivision code, and Environmentally Sensitive Areas regulations.
11. Given all the evidence in the record, the Examiner concludes that *Inglewood landing* complies with the review criteria of SMC 20.10.220(1). The proposed subdivision allows development at the density expected under the Comprehensive Plan, does not thwart future development of surrounding properties, and makes appropriate provision for all items listed in that code section.

The SMC allows the City to require that a developer make provisions for the children who will live within a subdivision to safely walk to school (or to a school bus stop). Neither the SMC nor state law allow the City to require a developer to remedy existing infrastructure shortcomings which the developer's project will not adversely impact. In other words, a City may not make a developer cure society's shortcomings – unless the developer's project will adversely affect them. While Asher's concern about the lack of pedestrian facilities along this segment of 218th Avenue SE is quite understandable, the evidence and law would not support a condition requiring Quadrant to construct sidewalks along both sides of 218th Avenue SE.

12. Given all the evidence in the record, the Examiner concludes that *Inglewood Landing* will serve the public use and interest and will thus comply with the review criteria of SMC 20.10.220(2).
13. The recommended conditions of approval as set forth in Exhibit 1 are reasonable, supported by the evidence, and capable of accomplishment with the following changes:
 - A. Recommended Condition A.4. The Examiner will revise the wording of this condition somewhat and move it up to be Condition A.1.: The Examiner believes that identification of the exhibit being approved as the preliminary plat is of paramount importance in the conditions. Included in the textual revision will be addition of a notation regarding the width of the off-site pedestrian path.
 - B. Recommended Conditions A.14 and B.8. The changes requested by Quadrant and agreed to by the Department will be made.

- C. Recommended Condition A.21. The phrase “would be better placed” and the “Please” sentence have no place in development approval conditions. If something is needed and justified, it is required; if it’s not, it’s not. Given the preliminary utility layout depicted on Exhibit 13, Sheet UT-01, no reason is apparent why the fire hydrant could not be relocated as desired by the Fire District to the intersection of the cul-de-sac with 218th Avenue SE. However, the Examiner does not feel comfortable mandating that the hydrant be located on Proposed Lot 21 (as opposed to on Proposed Lot 1 across the cul-de-sac) because of its effect on on-street parking. (See Conclusion 13.D, below, regarding Recommended Condition 22.) The condition will be revised but will provide some flexibility.
- D. Recommended Condition A.22. The problem with this condition is similar to that in Recommended Condition A.21: “Please” is not appropriate in a development approval condition. However, in this case the answer is not as obvious or clear-cut. The request here is that the fire hydrant be placed on the “No Parking” side of the street. If the hydrant were on Proposed Lot 21, then the south side of the cul-de-sac would be the “No Parking” side. That side has four driveway curb cuts and one shared driveway cut between 218th Avenue SE and the cul-de-sac bulb. If the hydrant were on Proposed Lot 1, then the north side of the cul-de-sac would be the “No Parking” side. That side has five driveway curb cuts and one shared driveway cut between 218th Avenue SE and the cul-de-sac bulb. (Exhibit 13, Sheet SP-01) Thus, the south side might be the better on-street parking side simply by virtue of having one less curb cut. But that would put the hydrant on the outbound (north) side rather than the inbound (south) side of the cul-de-sac. This is a technical, engineering question which the Examiner will leave up to Public Works, in consultation with the Fire District.
- E. Recommended Condition A.23. The problem with this condition is similar to that in Recommended Conditions A.21 and A.22: “Please” is not appropriate in a development approval condition. The solution in this case is simple: Delete the “Please” sentence.
- F. Recommended Conditions D.14 and .15. These two conditions contain code citations that are to sections of the SMC that no longer exist. They are accurate for the tree retention regulations to which this development is vested, but if one looked them up in the current SMC, one would find that they had been repealed. Therefore, the citations must be preceded with the word “former.”
- G. The evidence demonstrates that the site may contain historical artifacts. CRC recommended an inadvertent discovery protocol that could be employed in the event historical artifacts or human remains are encountered during site development. (Exhibit 31, Attachment B) Given what we currently know about the site, it is entirely reasonable to include the inadvertent discovery protocol as a condition of approval. Such a condition will be added in section A, General Conditions.¹⁵

¹⁵ State laws (listed in Attachment B to CRC’s report) mandate that the coroner and local police be notified whenever skeletal human remains are found. The inadvertent discovery protocol summarizes the requirements of state law. It also

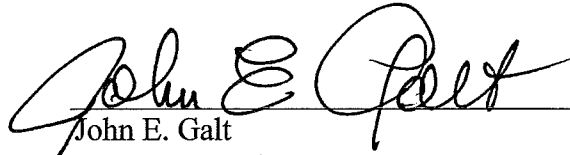
- H. A few minor, non-substantive structure, grammar, and/or punctuation revisions to Recommended Conditions A.7.a,¹⁶ A.8, A.14, A.17, B.1, B.2, B.5, B.6, B.8, B.12, B.14, C.1, C.3, C.6, C.11, D.5, D.14, and D.15 will improve parallel construction, clarity, and flow within the conditions. Such changes will be made.

14. Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such.

DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, and the testimony and evidence submitted at the open record hearing, the Examiner **GRANTS** preliminary subdivision approval for *Inglewood Landing* **SUBJECT TO THE ATTACHED CONDITIONS**.

Decision issued November 1, 2016.


John E. Galt
Hearing Examiner

HEARING PARTICIPANTS¹⁷

Brett Pudists
Lindsey Ozbolt
Brian Leavitt
Diane Trujillo Leavitt
Haim Strasbourger

Matt Perkins
David Pyle
Claradell Shedd
Harry Shedd

NOTICE of RIGHT of RECONSIDERATION

This Decision is final subject to the right of any party of record to file with the Examiner (in care of the City of Sammamish, ATTN: Lita Hachey, 801 228th Avenue SE, Sammamish, WA 98075) a written request for reconsideration within 10 calendar days following the issuance of this Decision in accordance with the procedures of SMC 20.10.260 and Hearing Examiner Rule of Procedure 504. Any request for

provides a protocol in the event that archaeological resources other than human remains are discovered, so it is not simply duplicative of state law.

¹⁶ The only change to this SEPA mitigation measure is a non-substantive grammatical improvement.

¹⁷ The official Parties of Record register is maintained by the City's Hearing Clerk.

reconsideration shall specify the error which forms the basis of the request. See SMC 20.10.260 and Hearing Examiner Rule of Procedure 504 for additional information and requirements regarding reconsideration.

A request for reconsideration is not a prerequisite to judicial review of this Decision. [SMC 20.10.260(3)]

NOTICE of RIGHT of JUDICIAL REVIEW

This Decision is final and conclusive subject to the right of review in Superior Court in accordance with the procedures of Chapter 36.70C RCW, the Land Use Petition Act. See Chapter 36.70C RCW and SMC 20.10.250 for additional information and requirements regarding judicial review.

The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation."

CONDITIONS OF APPROVAL INGLEWOOD LANDING PSUB2015-00014

This Preliminary Subdivision is subject to compliance with all applicable provisions, requirements, and standards of the Sammamish Municipal Code, standards adopted pursuant thereto, and the following special conditions:

A. General Conditions:

1. Exhibit 13 is the approved preliminary plat (and supporting plans); PROVIDED, that the pedestrian path depicted on Sheets SP-01, GP-01, UT-01, and RP-01 shall be five (5) feet wide. Revisions to approved preliminary subdivisions are subject to the provisions of SMC 19A.12.040.
2. Pursuant to RCW 58.17.170, the Platlor shall comply with all local, state, and federal rules and regulations in effect on January 22, 2015, the vesting date of the subject application. However, if the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision, future development may be subject to updated codes, including, but not limited to the International Building Code and the International Fire Code, as amended.
3. Construction permits are required. The Platlor must demonstrate compliance with applicable technical requirements and standards.

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4. Preliminary plat approval shall be null and void if any condition is not satisfied and the final plat is not recorded within the approval period of five years of the date of preliminary plat approval as required by SMC 19A.12.020, provided Plator may file for an extension as permitted by code.
5. For the purpose of ensuring compliance with all conditions of approval and the standard requirements of the SMC, the Plator shall provide financial guarantees in conformance with SMC Chapter 27A, and PWS Chapter 10.050(K). All improvements required pursuant to the PW standards, SMC, or other applicable regulations, must be installed and approved, or bonded as specified for plats in SMC 19A, Land Division.
6. The Plator or subsequent owner(s) shall comply with the payment of street, park, and school impact fees in accordance to SMC Chapters 14A.15, 14A.20, and 21A.105, respectively.
7. Prior to issuance of Construction Permit, the Plator shall provide an action plan demonstrating compliance with the SEPA MDNS conditions related to the Eddy House, including:
 - a. Prior to Final Plat, the Proponent shall document the Eddy House, and provide details of the house to the City of Sammamish and the King County Historic Preservation Office. Documentation shall include:
 - i. High resolution digital photographic documentation of the exterior and architectural details of the building, along with some photographs of the interior and site, to provide context;
 - ii. Sketched floor plans of the house; and
 - iii. A written history of previous owners of the Eddy House, its uses, and a history of major changes to the Eddy House and other structures on the property.
 - b. The Proponent shall advertise the availability of the Eddy House for relocation for 60 days ("Advertisement Period") from the date of preliminary plat approval, or until the date site clearing and grading commences, whichever is longer. Advertisement shall occur once a week, through the following means:
 - i. King County Historic Preservation Program website;
 - ii. Publication in the Seattle Times, Sammamish Review, and Daily Journal of Commerce;
 - iii. Association of King County Historical Organizations newsletter; and

- iv. Washington Trust for Historic Preservation website.
- c. The Proponent shall not demolish the Eddy House and shall allow for the relocation of the Eddy House for a period of not less than 90 days after the completion of the "Advertisement Period" in item "2." above, or after an acceptable offer to relocate the Eddy House is received, whichever is first. Nothing in this mitigation item shall bar the proponent from the start of site clearing and grading that does not affect the Eddy House.
- d. If a receiving site is found to which to relocate the Eddy house, Quadrant Homes shall contribute up to \$50,000 in mitigation for the cost of moving the structure. Quadrant shall not be responsible for land acquisition of a site to relocate the Eddy House to, but shall contribute up to \$50,000 towards the actual costs of permitting relocation and the physical transportation of the building.
- e. If no receiving site is found to which to relocate the Eddy house, Quadrant Homes shall contribute \$50,000 toward the historic preservation activities at the City. Payment shall occur at the time of demolition permit issuance by the City of Sammamish.
- f. The Proponent shall provide permanent educational signage within the future public right of way dedicated by this subdivision along the frontage on 218th Avenue SE, in a form approved by the City, providing information about the Eddy family history and the Eddy House.
- 8. To provide a safe pedestrian connection, a 5-foot wide hard surfaced pedestrian path shall be extended along the eastern edge of 218th Avenue SE from the north limits of the site of the proposed subdivision to the existing sidewalk located at the intersection of SE 4th Street and 218th Avenue SE.
- 9. A final mitigation plan and critical areas study shall be reviewed and approved prior to issuance of the site development plan. The final mitigation plan and critical areas study shall substantially conform to the plans included with the project Critical Areas Report and Mitigation Plans (Exhibit 20) and the Preliminary Plans with the development plan set prepared by the Plattor and dated March 30, 2016 (Exhibit 13).
- 10. A financial security performance device for required critical areas mitigation installation equaling the amount established in the project Critical Areas Bond Quantity Worksheet and including the protective fencing and signage shall be submitted with the Construction Permit application and approved by the City prior to the issuance of construction permit to commence construction.

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11. A protective fence meeting the requirements of SMC 21A.50.170 as depicted in Exhibit 13 shall be installed prior to release of the project mitigation installation financial security performance device.
12. Signs meeting the requirements of SMC 21A.50.170(2) as depicted in Exhibit 13 shall be placed along the required fence and shall be installed prior to release of the project mitigation installation financial security performance device.
13. Following complete installation of the critical areas mitigation plantings required in accordance with Exhibit 13 and Exhibit 20 and the installation of the fence and signage depicted in Exhibit 13, an as-built report shall be completed by a qualified professional to document completion of required critical areas mitigation work and shall document the location of the fence and signage. The as-built report must be supplied to the City as post-issuance revision to the Construction Permit. After the City inspects and approves as-built conditions, and a maintenance and monitoring financial security device for mitigation maintenance and monitoring has been submitted and approved by the City, the financial security device for restoration and mitigation installation will be released and the required 5-year maintenance and monitoring period will begin. During the required 5-year maintenance and monitoring period, a monitoring report shall be prepared by a qualified professional and supplied for City review by October 31st of each monitoring year. Upon successful completion of the 5-year maintenance and monitoring period (after the final monitoring report has been submitted and validated) the maintenance and monitoring financial security device will be released.
14. Address/Monument sign required to show addresses of lots being served by common driveway. Place at location fronting the street from which the houses are addressed. Please see Lots 4, 5, 10, 11, 12, 18, and 19.
15. Prior to issuance of construction permits, a copy of all required County, State, and Federal permits shall be provided.
16. Parking stalls are prohibited within 15 feet of a fire hydrant. RCW 46.61.570 (1)(b)(ii).
17. If Tracts A, B, and G will be used as part of the approved emergency access road there shall be "No Parking Fire Lane" signs posted as per the Sammamish Municipal Code. If the Tracts will not be used as part of the approved emergency access, parking will be allowed on the street, however, fire sprinklers will be required in the homes located on Lots 4, 5, 10, 11, 18, and 19.
18. No parking allowed within the cul-de-sac. This is part of the emergency vehicle access route. Post "No Parking – Fire Lane" signs as per the municipal code.

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19. One and two family dwelling structures that exceed 5,000 square feet (this number includes the garage) shall have fire sprinklers installed per MFPA 13-D as per City ordinance. Submit for a Fire permit.
20. Install 5" Storz Fitting(s) for all new and existing fire hydrants within 500 feet of furthest structure in the development.
21. The fire hydrant located in front of Lot 14 shall be relocated to the entrance to the development on the corner of 218th Avenue SE and the plat cul-de-sac. The side of the cul-de-sac on which the hydrant is placed shall be determined by Public Works in consultation with the Fire District.
22. Due to the width of the road, parking is allowed on one side of the street only. The side of the cul-de-sac on which parking is allowed shall be determined by Public Works in consultation with the fire district. Post "No Parking – Fire Lane" signs on the other side of the street pursuant to the municipal code.
23. Due to the fire flow calculations submitted to Eastside Fire and Rescue by the water purveyor which states the flow is 1,000 GPM or more, the homes are limited to 3,600 square feet in size (this includes an attached garage) unless the code minimum GPM requirement can be met. If minimum fire flow cannot be met, a fire sprinkler system may be able to mitigate the lack of fire flow.
24. The inadvertent discovery protocol contained in Exhibit 31, Attachment B shall be followed during all earth-disturbing activities, both site preparation, infrastructure installation, and home construction.

B. Site Development Permit Special Conditions:

1. 218th Avenue SE is classified as a collector arterial with 60 feet of existing right-of-way. Half street frontage improvements and 3.5 feet of right-of-way dedication shall be provided along the development frontage with 218th Avenue SE consistent with a collector arterial road.
2. The internal plat road serving more than 4 dwelling units shall be consistent with the local road standards pursuant to the approved variation from street standards for road and right-of-way widths, or as further approved by the City Engineer during final engineering.
3. The driveway to Lot 17 shall be separated from the joint use driveway to Lots 18 and 19.

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4. Tract G shall be designed with a standard crown and at least minimum pavement structure required for truck traffic, to accommodate City maintenance vehicles.
5. The cul-de-sac shall be designed in accordance to PWS.15.120 or as modified by the Fire Marshal pursuant to code or statutory authority.
6. Illumination shall be provided on 218th Avenue SE consistent with the PWS standards for average foot candle and uniformity for a collector arterial. The pole shall be powder coated black steel with full cut off luminaire consistent with WSDOT standard J-28.10-01 Type 1 Davit Mast Arm with fixed base.
7. Illumination shall be provided within the internal plat road consistent with the City's standards for average foot candles and uniformity for a local road. Luminaires shall be full cut off and LED. Pole type and style shall be approved by the City.
8. To provide safe access to schools, a 5-foot wide hardscape pedestrian path separated from the travel lane by either a minimum 5-foot wide planter strip where existing right-of-way allows or by extruded curb shall be provided on 218th Avenue SE from the north terminus of the project frontage of 218th Avenue SE to intersection of SE 4th Street and 218th Avenue SE.
9. Appropriate sidewalk and road transition from all proposed plat roads to all existing roads shall be constructed consistent with AASHTO standards.
10. All construction and design shall meet requirements consistent with the United States Department of Justice ADA Standards. The Access Board's ADA Accessibility Guidelines (ADAAG) serves as the minimum baseline for the standards.
11. Due to the width of the street, "No Parking – Fire Lane" signs shall be provided on the internal plat roads within the development as approved during final engineering. The side of the street approved for parking shall be coordinated to be opposite the fire hydrant and mailbox side of the streets where applicable and to the maximum extent feasible.
12. Drainage plans, Technical Information Reports, and analysis shall comply with the 2009 *King County Surface Water Design Manual* (2009 KCSWDM), the City of Sammamish Surface Water Design Manual Addendum, and the City of Sammamish Stormwater Management Comprehensive Plan.
13. All wetland and stream hydrology affected by the development shall be maintained in accordance to the 2009 KCSWDM. Specifically, maintenance of the offsite wetland on the adjacent parcel to the south and the onsite stream hydrology shall be required.
14. A right-of-way and restoration bond shall be posted consistent with the requirements of the 2009 KCSWDM.

C. Prior to or Concurrent with Final Plat:

1. Right-of-way dedication on 218th Avenue SE shall be 3.5 feet along the plat frontage.
2. The local road within the internal plat shall be dedicated as right-of-way.
3. All frontage improvements on 218th Avenue SE shall be fully installed and approved. Any additional offsite improvements shall be fully constructed.
4. Driveways shall be completed prior to the final plat. Any joint use driveways shall be bonded for or constructed under the Site Development Permit.
5. At a minimum, all stormwater facilities shall be constructed and online and operational. This includes construction of road ATB, curb, gutter, and other stormwater related facilities. Final lift of asphalt may be bonded unless otherwise directed by Public Works.
6. All new signs required in the public right-of-way must be installed by the City of Sammamish Public Works Department or at the direction of the City of Sammamish Traffic Engineer. Procurement and installation shall be paid for by the Developer. Contractor shall contact the Public Works Inspector to initiate signage installation a minimum of 6 WEEKS PRIOR TO FINAL PLAT. Temporary street signs may be required for internal plat roads for emergency vehicle access. *No Parking* signs shall be installed prior to final plat. *No Parking* signs shall be required on all proposed street and private roads with clear widths of 20 feet or less.
7. "No Parking – Fire Lane" signs shall be installed pursuant to SMC 16.05.130(13), §503.3(3) on the side of the interior street where parking is not allowed.
8. Illumination shall be fully installed or bonded as approved by the City Engineer.
9. Soil amendments shall be provided or bonded for all common areas of the plat consistent with the requirements of the *City of Sammamish Surface Water Design Manual Addendum*.
10. A licensed surveyor shall survey and stake all storm drain facilities and conveyance lines with associated easements and dedications not located within the public right-of-way. Public Works Inspector shall inspect and approve locations prior to final plat and easement recording.
11. A Public Works surety bond shall be posted consistent with the 2009 KCSWDM.
12. A performance financial surety for landscaping, recreation, and critical areas shall be posted to the City for all required improvements that remain at the time of final plat. A bond quantities worksheet shall be provided by the Plat for City review and approval of performance bond amount. A maintenance and defect financial surety shall be

required following acceptance of required landscaping, recreation, and critical area improvements.

13. A maximum 4-foot high, split rail or similar fence shall be installed along the outer boundary of proposed open space and critical area tracts. Permanent critical area signage shall be placed on this fencing at an interval of one (1) per lot or every 50 feet, whichever is less. Critical areas signs shall be a City-approved type designed for high durability and must be maintained by the property owner or homeowner association in perpetuity.

D. Conditions to appear on the face of the final plat (*italicized words verbatim*):

1. The Plator shall include a note regarding the payment of all traffic impact fees on the subject site consistent with the provisions of the City of Sammamish Ordinance No 2006-208. Specific language related to the payment of street impact fees shall be reviewed and approved by the City prior to final plat approval.
2. The platlor shall include a note regarding the payment of school impact fees in accordance with SMC Chapter 21A.105. Specific language related to the payment of school impact fees shall be reviewed and approved by the City prior to final plat approval.
3. Covenant and easement language pertaining to individual lots and tracts with flow control BMPs shall be shown on the face of the final plat. Public Works shall approve the specific language prior to the final plat.
4. Unless located within a recreation tract and public easements provided, all Surface Water Management Facilities required for this subdivision shall be contained within a separate tract of land and shall be dedicated to the City of Sammamish for maintenance and operation. Language to this effect shall be shown on the face of the final plat.
5. *"Maintenance of all landscape strips along the internal plat road and 218th Avenue SE shall be the responsibility of the Homeowners Association or adjacent property owners. Under no circumstances shall the City bear any maintenance responsibilities for landscaping strips created by the plat."*
6. *"Individual lot flow control BMP's in accordance to the 2009 King County Surface Water Design Manual shall be provided with each single family residential building permit unless otherwise incorporated into the subdivision site development plans."*
7. *"All landscaped areas of the plat and individual lots shall include a minimum of 8-inches of composted soil amendment."*
8. *"Maintenance of illumination along all local and private roads shall be the responsibility of the Homeowners Association or jointly shared by the owners of the development."*

9. *"Metal products such as galvanized steel, copper, or zinc shall not be used in all building roofs, flashing, gutters, or downspouts unless they are treated to prevent metal leaching and sealed such that contact with storm water is prevented."*
10. *"All lots containing or adjacent to infiltration or dispersion trenches/facilities shall be graded such that the flow path is directed away from the building foundation and the top of the trench is below the bottom of foundation."*
11. *"Unless directed to individual lot flow control BMPs, all building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain system as shown on the approved plat Site Development permit on file with the City of Sammamish. The connection to the storm system shall be through a perforated tightline in accordance to the 2009 King County Surface Water Design Manual. The approved Site Development permit shall be submitted with the application for any building permit. All connections of the drains shall be constructed and approved prior to final building inspection approval."*
12. *"In accordance to the City of Sammamish Ordinance No. 02002-112, a surface water system development charge shall be paid at the time of building permit issuance, for each new residential dwelling unit."*
13. *"Illicit discharge of stormwater pollutants from pressure washing, car washing, and other routine maintenance of household appurtenances such as siding, roof, and windows shall be prevented from entering the storm drain system. Measures such as directing water to a green, vegetated area or covering the downstream catch basins shall be required and enforced pursuant to SMC 13.30.020."*
14. Trees retained in accordance with former SMC 21A.35.210 shall be identified on the face of the final plat for retention. Trees shall be tagged in the field and referenced on the face of the final plat with the applicable tag number.
15. *"Trees identified on the face of this plat have been retained pursuant to the provisions of former SMC 21A.35.210. Retained trees are subject to the tree protection standards of former SMC 21A.35.230. Removal of these trees is prohibited unless the tree is removed to prevent imminent danger or hazard to persons or property, and may be subject to a clearing and grading permit approved by the City of Sammamish. Trees removed subject to this provision shall be replaced in compliance with former SMC 21A.35.240."*
16. *"No lot or portion of a lot shall be subdivided and sold, or resold, or its ownership changed or transferred in violation of applicable city, county, state, or federal standards, rules, regulations or laws."*

E. Prior to Final Construction Approval:

HEARING EXAMINER DECISION

RE: PSUB2015-00014 (*Inglewood Landing*)

November 1, 2016

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1. All required improvements must be complete.
2. All items in the final acceptance construction punch list shall be addressed and accepted by the City.
3. Contractor and design engineer shall certify that all construction meets requirements consistent with the United States Department of Justice ADA Standards. The Access Board's ADA Accessibility Guidelines (ADAAG) serves as the minimum baseline for the standards.
4. The Plator shall purchase from the City and install drain markers on each catch basin within the plat (Only Rain Down the Drain). Installation instructions are provided with drain markers. Avoid placement on roadway asphalt.
5. Prior to acceptance into the Maintenance and Defect period, the storm drain system shall be jetted, cleaned, and vactored and the system shall be televisioned for inspections.
6. Prior to acceptance into the Maintenance and Defect period, project close-out documents including as-builts and final corrected TIR shall be submitted to the City for approval.